

# Registered Domestic Partnerships in Maryland



## A PUBLICATION OF THE REGISTERS OF WILLS OF MARYLAND

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### Overview

**Effective October 1, 2023**, qualifying domestic partners may file paperwork to become "registered domestic partners," which guarantees certain protections and benefits during estate administration in Maryland. This publication is intended to explain who qualifies for this service, the procedures you will follow to become registered domestic partners, the benefits of this service, and how to terminate your partnership.

*Disclaimer: This brochure is provided for informational purposes only and does not constitute or is intended to constitute legal advice. Please consult an attorney for any legal advice.*

# Instructions & FAQ's

## 1. WHO QUALIFIES?

To qualify to become registered domestic partners, the partners must affirm they are:

1. At least 18 years of age,
2. The sole domestic partner of the other partner,
3. Not married, and
4. In a committed relationship with the other partner.

## 2. HOW DO MY PARTNER AND I BECOME "REGISTERED DOMESTIC PARTNERS"?

1. The two partners must prepare a "Declaration of Domestic Partnership" to be filed with the Register of Wills in the jurisdiction in which they reside.
2. Each partner must state their (1) name, (2) age, (3) home address, and (4) sign the Declaration under the penalties of perjury. The Register may require proof of identification to verify each partner's name, age, and home address are accurate.
3. The Declaration must also be signed by a Notary Public.
4. The partners must pay a filing fee of \$25 made payable to the Register of Wills.

After providing identification and after review, the Register's office will issue each partner a "Certification of Domestic Partnership," which shall bear the seal and signature of the Register or authorized staff member.

## 3. WHAT ARE THE BENEFITS OF BECOMING REGISTERED DOMESTIC PARTNERS?

If one of the partners dies without a Last Will and Testament, meaning they died "intestate," the surviving domestic partner will be treated the same as a surviving spouse as follows:

1. The surviving registered domestic partner will have the same priority to serve as Personal Representative of the estate,
2. The surviving registered domestic partner will be entitled to the \$10,000 spousal allowance, and
3. The surviving registered domestic partner will have the same inheritance rights.

If one of the partners dies **with or without** a Last Will and Testament, the surviving domestic partner is exempt from Maryland inheritance tax.

## 4. WHAT HAPPENS IF I MOVE?

The Registers will maintain a statewide database of all registered domestic partnerships. If you relocate to another jurisdiction in Maryland, you do not need to register again. You may file a Declaration of Termination of Domestic Partnership in a jurisdiction other than the jurisdiction where your partnership was initially registered.

## 5. HOW DO I TERMINATE MY REGISTERED DOMESTIC PARTNERSHIP?

To terminate a registered domestic partnership, you may choose one of the following:

- **Mutual Consent:** Both parties may file a signed "Declaration of Termination of Domestic Partnership" with the Register. The termination will take effect *6 months* from filing.
- **Termination by One Party:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register. That party must sign under the penalties of perjury that they will provide a copy of the Declaration to the non-signing party. The termination will take effect *6 months* from filing.
- **Termination Due to Abandonment:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register. That party must sign under the penalties of perjury that they have been abandoned by the other party, have not been in contact with them for at least six months, and will provide a copy of the Declaration to the non-signing party if their location is known. The termination will take effect *immediately*.
- **Marriage:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register of Wills and include proof of marriage of one or both parties. The termination will take effect *immediately*.
- **Death:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register of Wills and include proof of death of one or both parties. The termination will take effect *immediately*.

### NOTES

**FORMS:** The above-mentioned "Declaration of Domestic Partnership" and "Declaration of Termination of Domestic Partnership" are forms that will be available on the Register of Wills website on or about October 1, 2023. The "Certification of Domestic Partnership" is a document generated only by the Registers of Wills.

**LIMITATION OF BENEFITS:** The above-mentioned benefits of being registered domestic partners is finite, meaning there are some benefits for surviving spouses that will not be benefits for a surviving registered domestic partner. Most significantly, a surviving registered domestic partner will not have the statutory right to file an election for an elective share of the augmented estate of the decedent.

**PERSONAL INFORMATION:** While registered domestic partnerships will be public record, the domestic partners home addresses and any proof of identification required by the Register will not be public record.